

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Brandywine Communications
Technologies, LLC

v.

Civil No. 13-cv-017-LM

G4 Communications Corporation

O R D E R

On May 30, 2013, a preliminary pretrial conference was held in this case. Attorneys Anthony Miele, Brian Gross, Timothy Devlin, and Lei Sun appeared via telephone for the plaintiff; Attorney Timothy Shannon appeared in person and Attorney A. Robert Ruesch appeared via telephone for the defendant.

The court approves the parties' proposed discovery plan (doc. no. 23). The discovery schedule as set forth in the proposed discovery plan is approved. Trial in this case is scheduled for the two-week period beginning June 16, 2015.

The parties agreed to incorporate the terms of a model order on e-discovery in patent cases, drafted and adopted by the Federal Circuit Advisory Council. The court has incorporated the terms of that model order into the e-discovery order for this case. The court has issued that e-

discovery order contemporaneously with this scheduling order.

The court discussed with counsel the Supplemental Rules for Patent Cases ("SPR"), which were incorporated as a supplement to this court's local rules effective December 1, 2011. SPR 2.1(a), entitled "Special Pleading Requirements," states:

Any pleading containing patent infringement claims or counterclaims must contain: (1) a list of all products or processes (by model number, trade name, or other specific identifying characteristic) for which the claimant or counterclaimant has developed a good-faith basis for alleging infringement, as of the time of filing the pleading; and (2) at least one illustrative asserted patent claim (per asserted patent) for each accused product or process.

The plaintiff's complaint (doc. no. 1) fails to comply with SPR 2.1(a). The complaint alleges infringement in the most general terms, describing G4 as infringing through its "DSL service, modems, and equipment." Plaintiff agreed to file an amended complaint that complies with SPR 2.1(a) on or before June 13, 2013. Failure to file such an amended complaint will likely result in dismissal of the complaint. See LR 1.3.

The court also discussed plaintiff's pending motion to stay (doc. no. 26), which is not yet ripe. The court will

schedule oral argument on that motion to take place within ten days after the amended complaint is filed.



Landya B. McCafferty
United States Magistrate Judge

Date: May 31, 2013

cc: Timothy Devlin, Esq.
Brian D. Gross, Esq.
Anthony L. Miele, Esq.
A. Robert Ruesch, Esq.
Timothy R. Shannon, Esq.
Lei Sun, Esq.